

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 65561

Joel Aguilar
Sara Aguilar

5953 Central Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on December 8, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, 312; 35-2-301; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, 431, 408B, 402, failure to cease commercial business activities, failure to cease operation of an illegal boarding house, for illegal conversion of an accessory structure (i.e.-garage) into an apartment, failure to remove all junk, trash and debris, failure to obtain a plumbing permit on residential property zoned DR 5.5 known as 5953 Central Avenue, 21207.

On October 5, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Charles Krick issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The following persons appeared for the Hearing and testified: Joel Aguilar, Respondent and Charles Krick, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 1, 2009 for removal of commercial vehicles, illegal home occupation, cease nuisance activity, remove trash and debris, cannot operate commercial business from a residential zone. Re-inspection on April 23, 2009 found junk, trash and debris removed, commercial vehicles removed, and no signs of commercial activity, and the case was closed. The case was reopened following receipt of a complaint. A Citation was issued on August 31, 2009. Following investigation, the Citation was dismissed by a code enforcement inspector. Another complaint was received from two neighbors, and this Citation was issued on October 5, 2009.

B. Photographs in the file taken by Inspector Krick show a two story house with garage, a clean yard and one non-commercial vehicle. Inspector Krick testified that he has not observed any code or zoning violations at the property. Re-inspection on December 3, 2009 did not find any visible violations.

C. Photographs sent by complainants in the file show multiple vehicles in the yard and street in August and September of 2009, but most are not commercial vehicles. There is a photograph dated September 22, 2009 of a commercial pickup truck apparently being washed in the driveway. There is a photograph of a pile of junk and debris also in mid-September, but it is not possible to tell if the debris is from work on this house or if it was brought from elsewhere. Letters of complaint from neighbors in the file state that Respondent runs several businesses from his home, that trucks and contractors frequently come, and that there is evidence of tenants boarding in the lower level of his home. Photographs submitted by complainants from earlier in 2009 show what may be commercial staging activity but could also be associated with renovation work inside the house. Some photographs are too blotchy to evaluate.

D. Respondent Joel Aguilar testified that he has a construction business, and that he has an office and a storage area for his vehicles and equipment in a commercial area. He testified that he does not use his home for these purposes.

E. Inspector Krick testified that the complainants were notified of this Hearing, by posting copies of the Citation on their doors.

F. The evidence presented is not sufficient to enforce this Citation.

IT IS ORDERED by the Code Enforcement Hearing Officer that the Citation is DISMISSED.

ORDERED this 11th day of December 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.